

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**  
UNITED STATES OF AMERICA, : 24-mj-00404-CLP-4  
: :  
: :  
- versus - : U.S. Courthouse  
: Brooklyn, New York  
LONG PHI PHAM, : :  
: June 4, 2024  
Defendant : 2:41 p.m.  
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT  
BEFORE THE HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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Proceedings

1 THE CLERK: This is a Criminal Cause for  
2 Arraignment on the complaint, *USA v. Long Phi Pham*. The  
3 case number is 24-mj-404.

4 Counsel, your name for the record? Appearing  
5 for the government?

6 MR. WEINTRAUB: Good afternoon, your Honor.  
7 Benjamin Weintraub and David Berman for the United  
8 States.

9 THE CLERK: Thank you very much.

10 THE COURT: Good afternoon.

11 THE CLERK: And appearing for Mr. Pham?

12 MR. SOSNICK: Good afternoon, your Honor. It's  
13 a pleasure to appear before you. My name is Michael L.  
14 Sosnick and I'm appearing on behalf of Mr. Pham.

15 THE CLERK: Thank you very much.

16 THE COURT: Good afternoon. Good afternoon,  
17 Mr. Pham.

18 THE DEFENDANT: How are you doing?

19 THE COURT: I take it you understand English?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. If at any point something is  
22 said that you don't understand, please tell me. All  
23 right?

24 THE DEFENDANT: Thank you.

25 THE COURT: You're here today because the

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1 grand -- excuse me. You're here today because you've  
2 been charged in a complaint with in or about and between  
3 January 2024 and the present, both days being approximate  
4 and inclusive within the Eastern District of New York and  
5 elsewhere, you together with others did knowingly and  
6 intentionally conspire to devise a scheme and artifice to  
7 deprive betting company 1, an online sports betting  
8 company, the identity of which is known to the affiant of  
9 the complaint, and that you obtained money and property  
10 from betting company 1 by means of one or more materially  
11 false and fraudulent pretenses, representations, and  
12 promises. And for the purpose of executing this scheme,  
13 you transmitted and caused to be transmitted by means of  
14 wire communication in interstate and foreign commerce  
15 writings, signs, signals, pictures, and sounds in  
16 violation of United States law. Have you seen the  
17 complaint before?

18 THE DEFENDANT: I looked at it briefly.

19 THE COURT: Okay. All right. Now, you do not  
20 have to say anything here today. If you start to say  
21 something, you can stop at any time. But what you must  
22 understand is that anything you do say, except what you  
23 say to your attorney, anything else can be used against  
24 you. Do you understand that?

25 THE DEFENDANT: I understand.

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1 THE COURT: Okay. Now, I understand counsel,  
2 you are retained in this matter?

3 MR. SOSNICK: Yes, your Honor.

4 THE COURT: Okay. So Mr. Pham, I know you have  
5 retained counsel but if for some reason at any point in  
6 the future that you cannot afford counsel, the Court will  
7 appoint an attorney for you. That is because you have  
8 the right to be represented by an attorney from this  
9 point forward in connection with these charges. Do you  
10 understand that?

11 THE DEFENDANT: I understand.

12 THE COURT: Okay. What's the -- well, let me  
13 ask, first of all, counsel, I take it that you have  
14 reviewed the complaint with your client and advised him  
15 of his rights?

16 MR. SOSNICK: Yes.

17 THE COURT: Okay. What's the government's  
18 position with respect to bail for Mr. Pham?

19 MR. WEINTRAUB: Your Honor, the government is  
20 seeking detention at this time. The government's  
21 position is that there are no conditions or set of  
22 conditions that can reasonably assure the Court of the  
23 defendant's future reappearance at court proceedings.

24 In short, the defendant, and specifically his  
25 conduct over the last few days, has demonstrated that he

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1 poses a significant risk of flight. I'm happy to  
2 elaborate on that further at the moment.

3 THE COURT: Yes, please.

4 MR. WEINTRAUB: The circumstances surrounding  
5 the defendant's arrest really speak volumes here. And I  
6 can just start the story last week.

7 On Thursday, the government attempted to  
8 interview one of the defendant's co-conspirators. On  
9 Friday, one day later -- and that's a co-conspirator that  
10 the government knows to be in continued communication  
11 with the defendant. The next day, the defendant booked a  
12 one-way ticket to Australia which the government learned  
13 about on Monday. That flight that he booked on Friday  
14 was scheduled to depart on Monday, three days later.

15 The government arrested him while he either was  
16 on the plane or had checked in for the flight clearly  
17 with an intention to board that flight.

18 In the defendant's possession at the time that  
19 he was arrested was over \$12,000 in U.S. cash which the  
20 defendant did not declare as is required on U.S. Customs  
21 forms and which just by nature of having it in his  
22 possession as he attempted to board a flight to Australia  
23 without declaring it is prima facie evidence of a  
24 violation of the Bulk Cash Smuggling Act which is 31 U.S.  
25 Code 5332(a).

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1           And in addition to the over \$12,000 in cash  
2 that he had in his possession, he had two cashier's  
3 checks which are the functional equivalent of cash, one  
4 for \$30,000 and one for \$50,000, both made payable to him  
5 in his name.

6           In addition to that, he had three cell phones  
7 in his possession. In addition to that, he had multiple  
8 betting slips showing recent wages on sports betting  
9 which of course is concordant with all of the conduct  
10 alleged in the complaint.

11           Your Honor, the government submits that that  
12 pattern of behavior, booking a flight, a one-way ticket  
13 to Australia the day after the government attempts to  
14 interview a co-conspirator with whom the defendant is in  
15 regular communication and attempting to board that flight  
16 with \$80,000 in cashier's checks, an additional \$12,000,  
17 none of which he declared, so that's in total over  
18 \$90,000 that had to be declared that was not declared,  
19 and three cell phones, or strong indicia that he was  
20 attempting to flee the country. He has long known about  
21 the government's investigation. And as the circle began  
22 to tighten, he took steps to flee.

23           In addition, as the complaint sets forth in  
24 paragraph 35, there's at least one example of the  
25 defendant and other co-conspirators participating in

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1 group text message chats in which they discuss a  
2 destruction of evidence on their cell phones relating to  
3 the conduct that underlies this investigation.

4 Your Honor, 18 U.S. Code 3142(f)(2)(A) and (B)  
5 talk specifically about attempts or concerns that the  
6 defendant will either flee, that's subsection (A), or  
7 obstruct justice, that's subsection (B). The government  
8 submits that there is evidence already that the defendant  
9 has engaged with his co-conspirators in attempts to  
10 obstruct justice both by the destruction of evidence and  
11 to flee as evidenced by his conduct in response to the  
12 government investigation.

13 For those reasons, the government submits that  
14 there are no set of condition that can assure his  
15 reappearance. And if we get to the suretors, the  
16 government has concerns with that as well which I'm happy  
17 to address now or --

18 THE COURT: Sure. Why don't I hear you on the  
19 suretors since --

20 MR. WEINTRAUB: So just to start off the top,  
21 at least one of the three suretors has conduct that is  
22 within the -- is engaged in conduct that is within the  
23 scope of the government's investigation and has engaged  
24 in numerous sports bets that are within the government's  
25 investigation and has made transfers that -- the

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1 complaint talks about transfers made, they are peer to  
2 peer payment applications, Venmo, Zelle, things of that  
3 nature.

4           One of the suretors has engaged in numerous  
5 payments using those apps with numerous of the defendants  
6 in this case as well as numerous other individuals who  
7 are subjects of the government's investigation. So that  
8 person who has engaged in suspicious sports betting and  
9 has engaged in numerous financial transactions with co-  
10 defendants and other co-conspirators who are not charged  
11 renders that person I think fiducially unfit to be a  
12 suretor.

13           With respect to the other two suretors, one of  
14 them -- neither of them speaks to the defendant very  
15 frequently but they speak maybe once a week. One of them  
16 is a stay-at-home mother who makes no money and has no  
17 income and for that reason is not a particularly viable  
18 suretor. And the third suretor would be acceptable, but  
19 that's just one of three.

20           And your Honor, the fact that the defendant is  
21 proposing to even offer one of the suretors who is, and  
22 the defendant surely knows this, given the overlap  
23 between that person's betting activity and money transfer  
24 activity, you know, at the very least a co-conspirator,  
25 unwitting co-conspirator in this conduct is troubling in



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1 and of itself.

2 THE COURT: Okay. Counsel?

3 MR. SOSNICK: Thank you, your Honor. My client  
4 is 38 years old. He's a United States citizen. He came  
5 to this country from Vietnam when he was a little boy.  
6 He's lived in Queens for the past 32 years. He's never  
7 been convicted of a crime. He engages in professional  
8 poker playing. When I spoke with him, he told me he's in  
9 the top 1 percent in the world in professional poker  
10 playing.

11 He was going to Australia to participate in a  
12 poker competition and from there he was going to go to  
13 Japan and then return to New York.

14 My client has been charged with one count of  
15 wire fraud. There's been no allegation of any violence.  
16 There's been no allegation of anybody being injured. And  
17 in this case, because I looked at the report from  
18 Pretrial Services recommending that the defendant be  
19 released with an unsecured surety insurance bond cosigned  
20 by at least two financially responsible people, I had my  
21 client's three sisters appear in court. One flew here  
22 from Texas. The other two live in Queens. One is a  
23 stay-at-home mom, as the prosecutor said, but she's  
24 married to a man who works and supports the family and  
25 earns approximately \$65,000 a year.

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1           The other two sisters who live here in the  
2 Eastern District of New York, Queens County to be  
3 specific, are a pharmacist who makes approximately  
4 \$150,000 a year, and a registered nurse who makes  
5 approximately the same amount of money. All three  
6 sisters love their brother very much. They have moral  
7 suasion over him. They are in touch with him on a weekly  
8 basis, sometimes more frequently, and they will do  
9 whatever is necessary to ensure that their brother comes  
10 to court because they love him, they want him to do the  
11 right thing, they expect him to do the right thing. And  
12 they're willing to cosign a bond as is recommended by  
13 Pretrial Services in whatever amount the Court deems to  
14 be appropriate, \$100,000, \$250,000.

15           The recommendation of Pretrial Services is that  
16 this unsecured bond be cosigned by at least two  
17 financially responsible people. Clearly two sisters who  
18 earn approximately \$150,000, one is a licensed  
19 pharmacist, and one is a licensed registered nurse, who  
20 both live in this district are financially responsible  
21 individuals.

22           The additional conditions are report to  
23 Pretrial Services as directed. My client will do  
24 whatever he's directed to do. His travel is supposed to  
25 be restricted to New York City, Long Island, and as

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1 approved by Pretrial Services. He's agreeable to that.

2 Surrender passport and do not obtain any new  
3 travel documents. The government has already obtained my  
4 client's passport when he attempted to go to abroad to  
5 participate in that international poker competition and  
6 he certainly will not seek to obtain any new travel  
7 documents.

8 Be subject to random home and/or employment  
9 visits. His door is wide open. He has no secrets. And  
10 he will be very happy to greet any government agents who  
11 want to come and see what he is doing and how he's  
12 living. He's always led a law abiding life. As I said,  
13 he's 38 years old with no prior criminal history of any  
14 kind or nature whatsoever.

15 The fifth condition is that he actively seek or  
16 maintain legitimate and verifiable employment. He's all  
17 in for that.

18 And finally, no contact with any co-defendants  
19 or co-conspirators. I note that the government said that  
20 there were text messages, but there never was any  
21 destruction of any evidence. There is no obstruction  
22 charge. There's just the one wire fraud. Now that  
23 Pretrial Services has weighed in on this topic of not  
24 having any communication with co-defendants or co-  
25 conspirators, if the Court includes that in the

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1 conditions of release, my client will have no such  
2 contact.

3 I want to be clear the government has  
4 suspicions and has concerns, but at the end of the day  
5 we're dealing with a nonviolent crime, a single count of  
6 wire fraud against --

7 THE COURT: Well, it sounds like he's going to  
8 be possibly charged with transporting money out of the  
9 country without reporting it which is often a crime we  
10 see here. So I understand what you're saying but I'm  
11 concerned about the package itself. Which of the  
12 suretors that's been offered, the pharmacist or the  
13 nurse, is the one that you have concern about?

14 MR. WEINTRAUB: It's the pharmacist, the one  
15 who makes \$150,000 and lives here in Ozone Park. And  
16 there are several other concerns that we have based on  
17 some of the representations made by counsel. Of course,  
18 Pretrial Services' recommendation, I'm not sure if they  
19 were aware of the items that were in the defendant's  
20 possession when he was attempting to board the flight.  
21 So I just don't know if they were or they weren't, but  
22 the Court is now aware of those facts.

23 The assurances that the defendant will not  
24 communicate with co-defendants is concerning because the  
25 government already has reason to believe that there are

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1 individuals, or at least one individual, who speaks to  
2 all the defendants. Okay? There's an individual who at  
3 one point represented to the government that he  
4 represented another one of the defendants. And based on  
5 information that the government knows, that defendant was  
6 introduced to that individual from another one of the  
7 defendants.

8 THE COURT: When you say represented, in the  
9 legal sense?

10 MR. WEINTRAUB: Yes.

11 THE COURT: Okay.

12 MR. WEINTRAUB: The government was contacted by  
13 an individual who claimed that he represented one of the  
14 co-defendants at a certain point in time.

15 THE COURT: I see.

16 MR. WEINTRAUB: Today the defendant, when he  
17 was attempting to obtain counsel, told Federal Defenders  
18 that he wanted to call that same person in an attempt to  
19 have that person represent him or have that person assist  
20 him in finding representation. That same person was  
21 introduced to one of the other defendants by a third  
22 defendant.

23 So my point is that there's a single individual  
24 or we know to be in communication with three of the co-  
25 defendants. So there's a very obvious and easy way for

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1 the defendant to not violate the terms of pretrial  
2 release and still communicate with his co-conspirators.  
3 We know that he has communicated with co-conspirators in  
4 the presence of that individual who maybe represents some  
5 of them, maybe doesn't. So that is a concern to the  
6 government.

7           The fact that the defendant claims to be in the  
8 top 1 percent of all poker players in the world means he  
9 would have a lot of money and all the resources in the  
10 world to flee, and a sister who makes \$140,000 a year,  
11 you know, (A), could easily take the hit of a bail  
12 jumping charge in the event that this defendant really is  
13 one of the top 1 percent poker players in the world, but  
14 also the government's investigation has uncovered  
15 substantial evidence of serious concerning conduct  
16 regarding poker playing in particular. It's not in the  
17 complaint. The government of course can proffer facts to  
18 the Court that are not in the complaint. But the  
19 defendant has long been involved in poker playing and in  
20 helping to run and organize underground poker games here.

21           And so the defendant's continued involvement in  
22 poker playing is not a fact that the government views  
23 enures to his sort of benefit. It is part and parcel of  
24 a world of illicit gambling activity both poker gambling  
25 and sports betting gambling that is the very core of the

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1 case here.

2 THE COURT: Okay. Anything you want to add,  
3 counsel?

4 MR. SOSNICK: Your Honor, before the government  
5 convicts every one of my client's family members this  
6 afternoon, I simply want to point out that my client has  
7 led a law-abiding life ever since he came to this  
8 country. He loves this country. He is a good citizen  
9 with no criminal history of any kind or nature  
10 whatsoever.

11 As far as these checks are concerns, my client  
12 denies that he had negotiable checks in his possession.  
13 And with respect to the count of the cash, if it was  
14 \$12,000, then yes, it was \$2,000 over the amount that  
15 would require reporting. I'm not sure that my client  
16 knew exactly how much money he had in his possession.

17 But be that as it may, the point I'm making to  
18 the Court is that my client is willing to sign a bond in  
19 whatever amount the Court directs. And all three of his  
20 sisters, who are in court today, who have moral suasion  
21 over my client, are willing to cosign that bond. And  
22 these allegations that my client can make all kinds of  
23 money and that whatever the amount of the bond is the  
24 sisters can take the hit, it's just in my opinion  
25 inappropriate. It's inappropriate. We have three

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1 sisters who are all United States citizens who love their  
2 brother, who have no criminal convictions and have no  
3 criminal history of any kind or nature whatsoever. They  
4 come to a courthouse in the United States of America to  
5 cosign a bond and they're accused of all kinds of  
6 nefarious activities including signing a bond and not  
7 worrying about the consequences of signing the bond.

8           They're very much aware of the circumstances  
9 surrounding the signing of a bond, the serious nature of  
10 signing a bond in a United States courthouse. But they  
11 love their brother and they know he will come back to  
12 court whenever he's required to be here and that he will  
13 abide by all of the conditions of the Court and Pretrial  
14 Services.

15           And I'm simply asking the Court to follow the  
16 recommendation of Pretrial Services in a case involving a  
17 United States citizen with no prior criminal history in a  
18 case involving one count of wire fraud.

19           MR. WEINTRAUB: Your Honor, the government has  
20 photos of the two cashier checks that were found in the  
21 defendant's luggage, so I'm not sure what basis there is  
22 to assert that he didn't have those in his possession. I  
23 don't see how they could have gotten in there by  
24 accident.

25           And the government is by no means accusing all



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1 of the suretors of anything. The government is accusing  
2 one of the suretors of being involved and having a  
3 pattern of suspicious sports betting activity and  
4 suspicious money transferring activity that is at the  
5 very least suspicious and potentially involved in a money  
6 laundering activity just given the nature of transferring  
7 money to a number of co-conspirators and co-defendants.  
8 And the government's not accusing any of the suretors of  
9 taking lightly the responsibilities of being a suretor.  
10 The government is raising concerns over the defendant's  
11 willingness to abide by the terms of his bail.

12           And just one last thing, your Honor. The idea  
13 that he was going to Australia for a poker tournament, he  
14 booked the ticket on a Friday to leave on a Monday, a day  
15 after an attempt to interview a co-conspirator. That's  
16 much more in line with attempts to flee than attempts to  
17 go play in a poker tournament halfway around the world on  
18 a one-way ticket.

19           MR. SOSNICK: Your Honor, regardless of the  
20 government's conjecture on this point, my client stands  
21 by what he told me and I must point out that neither the  
22 singular charge against my client nor any of the  
23 potential charges that have been raised in the  
24 government's presentation to this Court require any jail  
25 time and therefore, for him to be detained when he's

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1 entitled to the presumption of innocence --

2 THE COURT: Let me just stop you for a second.

3 There's no potential jail time for the --

4 MR. SOSNICK: I think --

5 THE COURT: -- charge contained in the

6 complaint?

7 MR. WEINTRAUB: I think what he might be

8 referring to is there's no mandatory minimum. There's a

9 20-year statutory maximum for conspiracy to commit wire  
10 fraud.

11 THE COURT: Okay. I just wanted to correct the

12 record --

13 MR. WEINTRAUB: I believe that's what he might

14 have been --

15 THE COURT: -- because I wasn't quite sure what

16 statutory charge was here that didn't require --

17 MR. SOSNICK: Counsel is correct. I'm saying

18 there is no mandatory --

19 THE COURT: Okay. Fine. Thank you.

20 MR. SOSNICK: -- jail time for this singular

21 charge or any of the other charges that were discussed by

22 the prosecutor. And to just lock my client up when

23 he's --

24 THE COURT: Well, let me -- I'm just going to

25 stop you right here because here's what I'm going to tell

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1 you. I don't think the package you offered is  
2 sufficient. I'm not prepared today to say that there are  
3 no conditions or combination of conditions that would  
4 result will provide the government and the Court with the  
5 assurances that your client would come back.

6 But the circumstances behind the purchase of  
7 the ticket at the last minute, the fact of the money  
8 and --

9 THE DEFENDANT: There's no \$80,000 cashier's  
10 check, your Honor.

11 MR. WEINTRAUB: I have a photo of them.

12 THE COURT: Okay.

13 MR. WEINTRAUB: I mean --

14 THE DEFENDANT: That's just a deposit from  
15 months ago.

16 THE COURT: You know what? You need to not --

17 THE DEFENDANT: I can't --

18 THE COURT: -- speak. As I said, anything you  
19 say to me could later come back to haunt you if the  
20 government can prove you're wrong. So if you want to  
21 speak to me, I really urge you to talk through your  
22 attorney. Okay? So --

23 THE DEFENDANT: Your Honor, I don't need to  
24 talk to my attorney for this one. There's no \$80,000  
25 cashier's check. And if there is, you can cuff me now.

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1 I stand by it. There's no \$80,000 cashier's check.

2 THE COURT: I mean we can put it into evidence,  
3 but I'm still going to rule the way I was going to rule  
4 regardless which is I don't find the package sufficient.  
5 The questions raised about the one suretor raised  
6 questions in my mind about whether or not the suretor's  
7 involvement in the sports betting scheme if you will  
8 makes her an acceptable financially responsible suretor.

9 I'm sure his other sister who is a homemaker  
10 would be a perfectly fine person to provide moral  
11 suasion. But given the amount of money involved here, I  
12 think the single signature of one financially responsible  
13 suretor is not sufficient.

14 And so I'm going to order him detained but  
15 you're free to come back to court at any point if you can  
16 come back with more financially responsible suretors and  
17 persuade the Court that your client is going to come back  
18 to court.

19 MR. SOSNICK: Your Honor, I tried to work out  
20 the bail package with the government and they said you  
21 can't. Basically pushed me away and said we don't agree  
22 to anything. We're going to contest this. We want him  
23 detained.

24 THE COURT: I understand. You don't have to  
25 have the government's agreement. You can come back and

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1 make another bail application that is more persuasive  
2 hopefully. Okay?

3 MR. SOSNICK: So your Honor, you want more than  
4 the three sisters to cosign?

5 THE COURT: Well, one of the sisters is not an  
6 acceptable suretor. Yes, I want --

7 MR. SOSNICK: So two are?

8 THE COURT: I want another financially  
9 responsible suretor.

10 MR. SOSNICK: Well your Honor, I just want to  
11 draw your attention to the --

12 THE COURT: I am not bound by the  
13 recommendation --

14 MR. SOSNICK: No, I'm not saying --

15 THE COURT: -- of Pretrial Services.

16 MR. SOSNICK: I'm not saying you are.

17 THE COURT: And based on that recommendation,  
18 you haven't satisfied it. You have one financially  
19 responsible suretor, the nurse I guess, and the other  
20 one, homemaker, is an acceptable suretor but she doesn't  
21 have any money. So she has no income, therefore, she is  
22 not a financially responsible suretor.

23 MR. SOSNICK: So your Honor, if I have her  
24 husband cosign the bond together with the registered  
25 nurse who is the sister, then you have two financially

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1 responsible suretors and that's what I would suggest to  
2 the Court. And you could make the bond for any amount  
3 that you think is fair and reasonable.

4 THE COURT: Is the husband here?

5 MR. SOSNICK: No, he's not here.

6 THE COURT: Okay. Well, I'm not about to enter  
7 a bond today without seeing him and having the government  
8 interview him and Pretrial interview him to make sure he  
9 is an acceptable suretor. So you can come back, as I  
10 said, but I'm not going to enter a bond today. He's  
11 going to be detained. Okay?

12 MR. SOSNICK: I hope the government's happy.  
13 We're certainly not.

14 THE CLERK: And I guess we have the issue of a  
15 preliminary hearing.

16 MR. SOSNICK: When is it scheduled for?

17 THE CLERK: Well, I think ten days if --

18 MR. SOSNICK: 14 days I thought.

19 THE CLERK: Sorry, 14, yes. In two weeks.

20 MR. SOSNICK: So what's the day?

21 THE CLERK: Are you waiving or you would  
22 like --

23 MR. SOSNICK: What's the day?

24 THE CLERK: Well, if you are not waiving, then  
25 today's the 4th, so I guess it would be like June 18 for

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1 a preliminary hearing at your request. The government  
2 has until June 18th to indict or dismiss or for more  
3 time.

4 MR. SOSNICK: I'd like to discuss this issue  
5 with my client because it's not something we discussed.

6 THE CLERK: Yeah, you can do that now if you  
7 want and address it today.

8 THE COURT: We could always schedule the  
9 preliminary hearing and if you decide that your client  
10 wants to waive it, just let us know and it just won't go  
11 forward. That's fine.

12 MR. SOSNICK: All right. And what about a date  
13 to come back, your Honor, assuming I can arrange for  
14 transportation for the brother-in-law's appearance here  
15 in court from Texas?

16 THE COURT: Well, what I would say is find out  
17 when he can be here and just let us know.

18 THE DEFENDANT: Tomorrow.

19 MR. SOSNICK: Just a second, please. Your  
20 Honor, do you sit in the morning or only the afternoon?

21 THE COURT: No, we sit in the morning at 11 or  
22 2.

23 MR. SOSNICK: Okay. So I just want to be sure  
24 he's here. All right. Then your Honor, what about  
25 tomorrow at 2 o'clock?

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1 THE COURT: Sui May?

2 THE CLERK: It would be fine.

3 THE COURT: Okay. 2 o'clock tomorrow.

4 MR. SOSNICK: Thank you very much, your Honor.

5 THE CLERK: I guess I'll do a temporary or

6 should I just (inaudible) --

7 THE COURT: Yes, that's fine.

8 THE CLERK: That's fine, okay. So tomorrow at

9 2 o'clock.

10 MR. SOSNICK: Very good.

11 THE CLERK: We'll make sure he's back because I

12 think it's a little bit late for (indiscernible).

13 MR. WEINTRAUB: I'll make sure.

14 THE CLERK: Thank you.

15 THE COURT: Okay. I direct the prosecution to

16 comply with your obligations under *Brady v. Maryland* and

17 its progeny to disclose to the defense all information

18 whether admissible or not that is favorable to the

19 defendant material either to guilt or to punishment known

20 to the prosecution.

21 Possible consequences for noncompliance may

22 include dismissal of individual charges or the entire

23 case, exclusion of evidence, professional discipline or

24 court sanctions on the attorneys responsible.

25 I will be entering a written order more fully



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1 describing this obligation and the possible consequences  
2 of failing to meet it and I direct the prosecution to  
3 review and comply with that order.

4 Does the prosecution confirm that you  
5 understanding your obligations and will fulfill them?

6 MR. WEINTRAUB: Yes, your Honor. Is a date for  
7 the preliminary hearing set?

8 THE CLERK: Do you want to deal with it  
9 tomorrow?

10 MR. SOSNICK: Yeah, let's defer that to  
11 tomorrow and hopefully we'll be able to resolve the bail  
12 issue tomorrow and then hopefully we'll be able to waive  
13 the preliminary hearing as well.

14 THE CLERK: Okay.

15 MR. SOSNICK: Thank you very much. Your Honor,  
16 I appreciate all the time and consideration.

17 THE COURT: Oh, no. Thank you.

18 MR. SOSNICK: We do look forward to seeing you  
19 tomorrow afternoon.

20 THE CLERK: Okay. Thank you. Preliminary  
21 hearing not dealt with.

22 (Matter concluded)

23 -oOo-

24

25

C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 10th day of June, 2024.

  
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